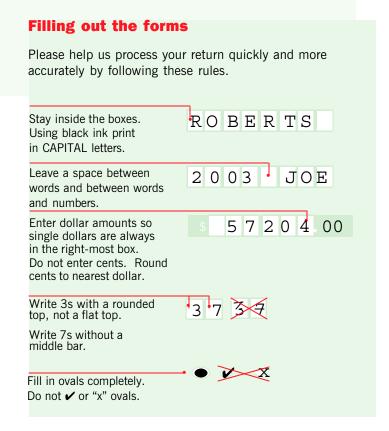
# **2004** D-41

# Fiduciary Income Tax Forms and Instructions

### New!

Form D-41ES Estimated Payment vouchers and Form FR-127F Extension of Time to File



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#### **Need assistance?**

File or pay online: www.cfo.dc.gov/etsc

#### **Get tax forms**

Download forms at www.cfo.dc.gov

Request forms by fax: 202-727-4TAX(4829) (option 1)

Request forms by mail: 202-442-6546

Pick up forms:

**Office of Tax and Revenue** 941 North Capitol St NE Lobby

8:15 am-4:30 pm

**Recorder of Deeds Building** 

515 D St NW Lobby 8:30 am-4:30 pm

Penn Branch

**3220 Pennsylvania Av SE** 8:15 am–4:30 pm Tuesdays & Thursdays **Reeves Center** 

2000 14<sup>th</sup> St NW Lobby 7 am-7 pm

Wilson Building

1350 Pennsylvania Av NW 7 am–7 pm

**One Judiciary Square** 441 4<sup>th</sup> St NW Lobby

7 am–7 pm

**Municipal Center** 

300 Indiana Av NW Lobby 6:30 am-8 pm

**MLK Jr Memorial Library** 

901 G St NW Sunday, 1-5 pm

Monday-Thursday 10 am-9 pm Friday, Saturday 10 am-5:30 pm

#### Ask tax questions

Contact our Customer Service Call Center: 202-727-4TAX(4829)

Regular hours Extended hours

8:15 am-4:30 pm March 31-April 14 - 8:15 am-6 pm; April 15 - 8:15 am-8 pm

Monday–Friday Monday-Friday

#### Ask tax questions; get free tax preparation help

Visit our Walk-In Center, 941 North Capitol St NE 1st floor

Regular hours Extended hours Saturdays

8:15 am-4:30 pm March 31-April 14 - 8:15 am-6 pm April **2** & **9** - 9 am-1 pm

Monday–Friday Monday–Friday

April 15 - 8:15 am-8 pm

Visit our Penn Branch Satellite Center, 3220 Pennsylvania Av SE

**Regular hours** 

8:15 am-4:30 pm Tuesdays & Thursdays

# **Do you need help with this form?** Come to our Walk-In Center, at 941 North Capitol St NE.

Are you unable to hear or speak? Call the DC Relay Service, 202-855-1234.

[Spanish/Español] ¿Necesita ayuda para leer o entender inglés? Llame al 202-727-4829 o venga a 941 North Capitol St NE. Pida que le asignen un intérprete de la Línea de los Idiomas (Language Line) para que le ayude, sin costo alguno.

[Vietnamese/Tieáng Vieät] Quyù vò coù caàn giuùp ñôõ ñeå ñoïc vaø hieåu Anh ngöõ khoâng? Xin goïi 202-727-4829 hoaëc ñeán 941 North Capitol St NE. Yeâu caàu coù ñöôïc thoâng dòch vieân Ñöôøng Daây Ngoân Ngöõ (Language Line) ñeå giuùp ñôō mieãn phí cho quyù vò.

[Chinese/中文] 您需要協助閱讀或了解英文嗎?請致電 202-727-4829 或請到 941 North Capital St NE,要求免責語言熱線(Language Line)口譯員協助您,

[Korean/한국어] 영어를 읽거나 이해하기 위해 다른 사람의 도움이 필요하십니까? 202-727-4829 번으로 전화하시거나 941 North Capitol St NE 를 방문하십시오. 귀하를 도와드릴 무료 랭귀지 라인(Language Line) 통역사를 요청하십시오.

#### Who must file the Form D-41?

File a D-41 if you are the fiduciary of a DC estate or trust and

- The gross income for the estate is \$1,370 or more for the taxable year; or
- The gross income for the trust is \$100 or more for the taxable year.

**Do not file a D-41** if you were appointed by a judge to receive a trust or estate and represent only a part of the property of an individual.

**NOTE:** Identification numbers (Federal Employer Identification Number (FEIN) or Social Security Number (SSN)) are used for tax administration purposes only.

# Are there other DC tax forms that fiduciaries may need to file?

#### **D-40 or D-40EZ**

A fiduciary who is responsible for the income of a DC resident, such as a minor or mentally challenged person, must file an individual income tax return in addition to the D-41.

#### D-40 for a deceased

A fiduciary must file a D-40 for the last taxable year of the deceased.

#### **D-41ES Estimated Tax payments**

You may wish to make estimated tax payments. Copies of the D-41ES are included in this booklet.

#### FR-127F Extension of Time to File

Use this form if you cannot file a complete return by the 15th day of the fourth month after the year end (April 15 due date for calendar year filers). The extension of time to file is for six months. You must submit this form by the due date.

An extension of time to file does not extend the due date for paying any tax you may owe. Before you file for an extension, estimate the taxes you will owe and pay this amount in full with the FR-127F by the due date of the D-41 return. Copies of FR-127F are included in this booklet.

#### D-76 (D-76EZ) Estate Tax Return

A fiduciary must file a DC estate tax return if the gross estate is \$1,000,000 or more even if the Federal Estate Tax Return, Form 706, is not required to be filed.

### Federal Forms 1099 and 1096 for payees with DC addresses

Fiduciaries representing estates or trusts must file copies of forms 1099 and 1096 for payees with DC addresses, if such payments are not covered by DC withholding tax statements. This includes estates or trusts that:

- are engaged in business and making payments to another person for rent, salaries, wages, premiums, annuities, compensation, or other profits; and
- have earned income of \$600 or more in the taxable year

# What income must grantors and beneficiaries report on their DC individual income tax returns?

#### **Grantors of a trust must report:**

- Income distributed to the grantor;
- Income held or accumulated for future distribution;
- Income applied to the payment of premiums on insurance policies on the grantor; and
- Income received from a revocable trust when
  - the title to any part of the trust is vested in the grantor or
  - the power to revest in the grantor is vested.

#### Beneficiaries who are DC residents must report:

• Income paid or payable from a resident or nonresident trust.

## What period should the D-41 cover?

If you file a federal Form 1041, the income you report on the D-41 must be based on the same calendar or fiscal year as your Form 1041. A fiduciary may not change from reporting on a calendar-year basis to a fiscal-year basis or vice versa without written permission from the Office of Tax and Revenue. To request a reporting period change, write to: Office of Tax and Revenue

Audit Division
PO Box 556
Washington DC 2004

Washington DC 20044-0556

## When and where you should file the D-41?

#### Due date

You must file your return by April 15, 2005 if you are a calendar year filer. Fiscal year filers must file by the 15th day of the fourth month after the fiscal year end.

If you need more time to file your return, submit a request for an extension, Form FR-127F, by the due date of the return. Any tax due must be paid in full with the request; there is no extension of time to pay.

#### **Mailing address**

Send the completed original D-41 return to: Office of Tax and Revenue PO Box 441 Washington, DC 20044-0441

## How can you avoid penalties and interest?

#### File your return on time

There is a 5% per-month penalty for failure to file a return or pay any tax due on time. The penalty is calculated on the unpaid tax for each month or part of the month that the return is not filed or the tax is not paid. The maximum penalty is an amount equal to 25% of the tax due.

You will be charged interest of 10% per year, compounded daily, on any amount (including penalty and interest) not paid on time. Interest is calculated from the due date of the return to the date when the outstanding balance is paid.

#### Do not understate your taxes

There is a 20% penalty on any understated amount of taxes due if:

- The unpaid amount is more than 10% of the actual amount due: or
- The unpaid amount is \$2,000 or more.

You will pay the penalty on the greater amount.

Tax preparers must pay a penalty for understating taxes due to any of the following reasons:

- The refund or amount due is based on unrealistic information:
- The preparer should have been aware of a relevant law or regulation; or
- Relevant facts about the return are not adequately disclosed. Penalties range from \$250 to \$10,000.

#### **Payment**

Include a check or money order payable to the DC Treasurer with the completed return. Write the estate or trust SSN/FEIN, and "2004 D-41" on the payment. You may not pay by credit card.

#### Make sure your check will clear

You will be charged a \$65 fee if your check is returned to us.

### **Explanation of terms**

#### **Beneficiary**

Any person who is to receive profits or distributions from an estate or trust.

#### **Estate**

All the property and assets of one who has died. An estate comes into existence at the time of an individual's death and continues

until the final distribution of its assets to the beneficiaries.

#### **Fiduciary**

A person or business with the power to act for another and the responsibility for managing the assets and income of an estate or trust. A fiduciary may be a trustee, an administrator of an estate, a business adviser, attorney, guardian, real estate agent, banker, stockbroker, or title company.

#### Granto

The person who creates a trust and transfers the title of the property and assets to another. That person may also be called "trustor," "settlor," or "donor."

#### Resident estate

If the deceased was a DC resident at the time of death, then his or her estate is a DC resident estate.

#### Trust

An entity created to hold assets for the benefit of certain people or entities.

#### Simple trust

One which requires that all income be distributed each year rather than being accumulated.

#### Complex trust

One that does not qualify as a simple trust.

#### Testamentary (created by will)

One created by a will and comes into existence at the time of the creator's death.

#### Inter vivos (living)

One which comes into existence during the lifetime of the person who created it. Often the trust is for a minor or someone else who is unable to administer his or her own assets.

#### **Resident trust**

A trust is a resident trust if:

- The person who created the testamentary will, thereby creating the trust, was a DC resident at the time of death; or
- The creator of an *inter vivos* trust was a DC resident at the time the trust was created; or
- If the trust consists of property of a DC resident; or
- The trust results from the dissolution of a corporation organized under DC laws.

The residence of the fiduciary does not control the classification of the trust as being resident or nonresident.

### **Instructions for the D-41**

#### **Getting started**

- You'll need a copy of your completed 2004 federal Form 1041 and a calculator to complete this form.
- You may copy many amounts directly from the Form 1041.
   Please be careful since the line numbers differ from Form D-41 line numbers.
- Not all items will apply to you. Fill in only those that apply. If an amount is zero, leave the line blank.
- · Round cents to the nearest dollar.

Example: \$10,500.50 rounds up to \$10,501 \$10,500.48 rounds down to \$10,500

- If the trust/estate does not have an identification number, please provide the social security number of the owner/decedent
- If you fill in the "final return" oval, you do not need to file again for this entity.

#### **Fiduciary information**

#### **Amended return**

If you are filing an amended return, fill in the amended return oval and complete the D-41 with the correct information. Attach a statement explaining the reason for any adjustments. If the Internal Revenue Service adjusted your federal 1041 after

Calculation A Additions to your federal total income

you filed a D-41, you must file an amended D-41 within 90 days of receiving notice of the federal adjustment.

#### **Entity type**

Fill in the oval that describes the entity for which you are filing.

#### Trust type

Fill in the oval that describes the trust type.

#### Income

Line 1 Federal total income

Enter the amount from your federal Form 1041, Line 9.

Line 2 Additions to federal total income

This is income, if any, that is not taxed by the federal government and deductions taken and not allowed by DC. You must add these items back to your federal total income to figure your DC tax. Complete Calculation A below.

**NOTE:** Unlike the Federal Government, DC does not allow the additional 30% or 50% bonus depreciation nor the additional IRC section 179 expenses. Therefore, any such amounts claimed on a federal tax return cannot be claimed on the DC return. Also, the Net Operating Loss Carryback allowed for federal tax purposes is not allowed for DC tax purposes.

Line 4 Subtractions from federal total income

This is income, if any, that DC does not tax. Subtract it from your federal total income. Complete Calculation B below.

a Franchise tax deduction used to calculate business income or loss  That amount included on federal Form 1040 Schedule C, Line 23 or Form 1040 Schedule C-EZ.	
b Franchise tax deduction used to calculate income from rental real estate, royalties, partnerships, trusts etc. That amount included on federal Form 1065, Line 14 or on federal Form 1041, Line 11.	
c Deductions for an S corporation from Schedule K-1 of federal Form 1120S Includes amount entered on Lines 8–11 and 14a of Schedule K-1. NOTE: IRC Sec. 179 expenses are deductible up to \$25,000.	
d Income distributions eligible for income averaging on your federal tax return from federal Form 4972, Lines 6 and 8 Add Lines 6 and 8, enter here.	
e Any 30% or 50% bonus depreciation claimed on a federal return.	
f Total additions Add Lines a—e, enter here and on D-41, Line 2.	
Calculation B Subtractions from your federal total income	
a Taxable interest from U.S. Treasury bonds and other U.S. obligations That amount included in your federal Form 1040 or 1040A, Line 8a or 1040EZ, Line 2. See also your federal Form 1099INT, Line 3.	
b Taxable amount of social security and tier 1 railroad retirement income From federal Form 1040, Line 20b or 1040A, Line 14b.	
c Income reported and taxed on a DC franchise return  If the income reported on your federal Form 1040 included any income reported and taxed on a  Form D-20 or D-30 (DC Franchise Tax Return), enter it here.	
d Total subtractions Add Lines a—c and enter here and on D-41, Line 4.	

#### **Deductions and exemptions**

#### **Line 9** Other deductions

Add amounts on Lines 12, 13, 14, 15a, 15b and 19 of your federal Form 1041. These include deductions for fiduciary fees; charitable contributions; attorney, accountant, and tax preparer fees; estate tax deductions, and other miscellaneous deductions.

#### Line 10 Exemptions

Enter \$1,370 for estates and \$100 for trusts.

If you are filing an estate return and it covers less than a year, you must prorate the exemption amount. Multiply the number of months the estate was active by \$114.17. Round to the nearest dollar.

To calculate the number of months the estate was active: Divide the number of days the estate was active by 30. Any remainder over 15 days counts as a full month.

Example: 196 days divided by 30 = 7 months (6 months plus a remainder of 16 days).

#### **Line 14** Credit for taxes paid to other states

Add all tax amounts paid to other states that are deductible. To be deductible, taxes paid to other states must be fiduciary income tax paid to another state while a DC resident. In addition, the tax paid must be on income that is of a kind that is taxable by DC.

#### Additional trust or estate information

From page 2 of the form

Complete only one section. Provide additional information about the trust or estate you represent.

#### Signature

The fiduciary or the person authorized to represent the organization controlling the income of the estate or trust must sign the return. If the return was prepared by a paid preparer, he or she also must sign the return.

### Attachment of the will or trust agreement and explanatory statement

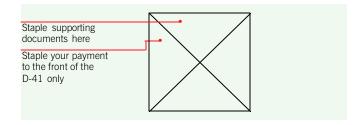
Attach a copy of the will or trust agreement to this return. Also attach a statement listing the amounts of income of the estate or trust taxable to:

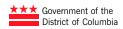
- The estate or trust:
- · Its beneficiaries; and
- The grantor of the trust.

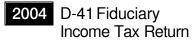
If you filed these documents before, do not file them again unless they have been amended. Enter the date you originally filed the documents. If the documents are amended after being filed, a copy of the amendment must be filed with the return for the taxable year in which the amendment is made. A statement must also be filed explaining the effect of the change.

#### **Assembling the D-41 return**

- If you are attaching a check or money order staple it to the front of your D-41.
- Staple supporting documents to the upper left corner behind the D-41.









Print in CAPITAL letters using black ink. Leave lines blank that do not apply to you.

0 4	0	4 1	0 1	1 0	0 0	0

Fiduciary information Fill	I in: if Amended return S	See page 4.	Fill in: if th	nis is your final return.	
Tax year beginning (MM/YY) Tax	year ending (MM/YY) Type	e of entity	Fill in type: Est	ate Simple trus	t Complex trust
	Туре	of trust Fil	I in type: Testa	mentary (created by a	will) Inter vivos (living)
Estate or trust's federal employer ID nun	mber Estate or trust's social	I security number	er [	Daytime phone number	
Estate or trust name					
Fiducian's name and title					
Fiduciary's name and title					
Fiduciary's address (number and street)	Fill in if this is your first retu	rn or if your add	dress changed from your la	st return.	#
City			State	Zip Code	
Additional trust information	Complete if entity is a trust		Additional e	estate information Con	mplete if entity is an estate (MM/DD/YYYY)
Date created			Date of decea	ased's death	
W	(MM/DD)		If estate ende	ed in 2004 (MM)	/DD)
If trust ended in 2004, enter of	date		enter date	50 III 2004,	
Name of grantor					
Address of grantor (number and street	eet)		Has a DC D-76 c	or D-76EZ estate tax return be	een filed? Yes No
			If no, will one be	e filed? Yes No	
City	State Zip Code				
			<b>▶</b> Complete	federal Form 1041	before continuing◀
Income Round cents to the neares	st dollar. If the amount is zero, leave the	ne line blank.			
1 Total income From federal Fo					
	Form 1041, Line 9.		Fill in if loss	1 \$	.00
2 Additions to federal total	Form 1041, Line 9.  income From Calculation A, page	4 of instruction		1 \$ 2 \$	00
<ul><li>Additions to federal total</li><li>Add Lines 1 and 2.</li></ul>		4 of instruction			
3 Add Lines 1 and 2.			rs. Fill in if loss	2 \$	00
<ul><li>3 Add Lines 1 and 2.</li><li>4 Subtractions from federal</li></ul>	income From Calculation A, page total income From Calculation B	B, page 4 of in	rs.  Fill in if loss   structions.	2 \$ 3 \$ 4 \$	.00
<ul><li>3 Add Lines 1 and 2.</li><li>4 Subtractions from federal</li></ul>	income From Calculation A, page	B, page 4 of in	rs. Fill in if loss	2 \$ 3 \$	.00
<ul><li>3 Add Lines 1 and 2.</li><li>4 Subtractions from federal</li></ul>	income From Calculation A, page total income From Calculation Less Subtract Line 4 from Line 3. If zero	B, page 4 of in	rs.  Fill in if loss   structions.	2 \$ 3 \$ 4 \$	.00
<ul><li>3 Add Lines 1 and 2.</li><li>4 Subtractions from federal</li><li>5 Total DC fiduciary income</li></ul>	total income From Calculation A, page  total income From Calculation B  Subtract Line 4 from Line 3. If zero stop here; do not fill in rest of form.	B, page 4 of in	rs.  Fill in if loss   structions.	2 \$ 3 \$ 4 \$	.00
<ul> <li>3 Add Lines 1 and 2.</li> <li>4 Subtractions from federal</li> <li>5 Total DC fiduciary income</li> <li>Deductions and exemptions</li> <li>6 Interest From Form 1041, Line</li> </ul>	total income From Calculation A, page  total income From Calculation B  Subtract Line 4 from Line 3. If zero stop here; do not fill in rest of form.	B, page 4 of in o or less,	rs.  Fill in if loss  structions.  Fill in if loss	2 \$ 3 \$ 4 \$ 5 \$	00 00 00
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D-41	PAGE 2										
Name											
SSN or	FEIN					0 4		0 0 0			
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Tax ca	alculation If Line 12	l is a loss, go direct	ly to Line 16, leave Line		nar. II amount is	3 2010, 10	ave the line blank.				
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b	Tax rate	x 0.0	D5 b Income s	subtractor	-10,000	.00	b Income subtractor	-30,00	00.00		
С	Multiply Line a by		c Subtract	Line b from Line a			c Subtract Line b from Line a				
d	Line b Enter amount here		d Tax rate		x 0.0	75	d Tax rate	x C	0.093		
	and on Line 13		e Multiply	Line c by Line d			e Multiply Line c by Line d				
			f Add \$500	)	+500.	.00	f Add \$2,000	+2,00	00.00		
			g Enter tot Line 13	al here and on			g Enter total here and on Line 13				
13 Ta	ax on fiduciary in	ncome				13 \$			00		
1/1 ()	radit for tayes nai	id to other stat	es The credit may not	avaged the amount	on Line 12 See	14 \$			00		
14 0	redit for taxes par	iu to other stat	instructions, page	5. Attach a copy of t	he state return.	14 ψ			00		
15 N	et tax on fiduciary	y income <i>Line 1</i>	13 minus Line 14.			15 \$			00		
16 20	004 estimated in	come tax payn	nents			16 \$			00		
17 Pa	avments made wi	ith an extension	n of time to file Fro	om FR-127F. Line 3					00		
			ments made with c		<b>4</b> 1	17					
			Tierres made with e	inginal 2001 D	1.1	18 \$			.00		
19 10	otal payments Add	d Lines 16–18.				19 \$			.00		
Comple	ete if Line 19 is more	than Line 15. Su	btract Line 15 from Lir				than Line 15. Subtract Line 1	9 from Line 1	5.		
	mount of			.00	23 Amount yo	u owe			00		
	verpayment mount, if any, to be	annlied to 200	5 estimated tax		Payment						
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22 Re	efund Subtract			.00	, ,			. ,			
	ne 21 from Line 20	\$		.00							
Signati			lare that I have exami			y knowle	dge, it is correct.				
Ciamatuua	of fiduciary or officer repr			ation available to t	Date						
oignature (	or inductary or officer repr	esenting the nuturiary			Date						
Signature o	of paid preparer				Paid preparer's Feder	al ID, SSN,	or PTIN				
Paid prepa	arer's address (number an	id street)			City		State	Zip Code			
Additio	onal documentat	tion									
You mu	ust file a copy of the	e will or trust ag	reement and a stater neficiaries and the gr		tax liability of ea	ach	ı				
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You mu of the fo	ust file a copy of the ollowing: the estate attach these docum if you filed the Send your significant in the send your significant i	e will or trust age or trust, the beaments unless the hese documents gned and complet and Revenue	neficiaries and the greeme	rantor. ent has been ame	nded.	,		)			

Fiduciary Income Tax Return

Revised 06/2004



# FR-127F Extension of Time to File Fiduciary Income Tax Return



Important: Print in CAPITAL letters using black ink.

eave lines blank that do not a	,,,,	OFFICIAL USE UNL		
Tax year beginning (MM/YY)	Tax year ending (MM/YY)			
Fiduciary information				
Estate or trust's federal employer ID nu	umber Estate or trust's social sec	curity number	Daytime phone number	
Estate or trust name				
Fiduciary's name and title				
Fiduciary's address (number and street	t) Fill in if this is your first return or	if your address changed from yo	ur last return.	#
City		S	itate Zip Code	
extension to file				
October 15, 2005 for cale	endar vear filers: or		December 4. (1)	
	lue date for fiscal year filers		Round cents to the nearest dollar. If the amount is zero, leave the line I	olank.
	-		1 \$	00
Total estimated income tax			2 \$	00
2 2004 estimated tax payme				00
	st. If Line 1 is more than Line 2, sub		3 \$	00
	full with this form or your request w not need to file this form, you have			
	<u>ler</u> made payable to DC Treasurer.			
SSN or FEIN and "2004 FR	R-127F" on your payment. You ma	ay not pay by credit card.		
Mail this form with any pay	ment due by the due date of the D	-41return.		
Signature				
Signature of fiduciary or officer representations	enting the fiduciary	Date		
Send y	your signed and completed original form			
		941 North Capitol St Washington DC 200		
		Trasmilgion Do 200	02 1200	
Save a copy of this for	rm for your records.			

#### **Instructions for Form FR-127F**

#### Why file Form FR-127F?

Use this form if you cannot file the fiduciary income tax return by the due date. By filing this form, you can receive a 6-month extension of time to file.

A filing extension is not an extension of the due date for paying any tax you may owe. Before filing for an extension, you should estimate the taxes you will owe and pay that amount with the FR-127F by the due date of the D-41 return.

Additional extension for DC residents living or traveling outside the United States. In addition to the 6-month extension, you may receive an additional 6-month extension. You must file for the first 6-month extension by the due date before applying for the additional extension of time to file.

You must use Form FR-127F to request an extension of time to file a DC fiduciary return.

#### When is the Form FR-127F due?

- Calendar year filers: you must submit your request along with payment in full of any tax due by April 15, 2005.
- Fiscal year filers: you must submit your request along with payment in full of any tax due by the 15th day of the fourth month after the end of the fiscal year.

#### When you have received an extension, when is your fiduciary income tax return due?

You may file your tax return any time before the extension expires.

Make check or money order payable to DC Treasurer. 2005 D-41ES P1 Voucher number: Dt	City State Zip Code	Fiduciary's address (number and street) Fill in if this is your first return or if your address changed from your last return #	Fiduciary's name and title	Estate or trust name	Esiate of trust's leaderal employer in multiper Esiate of trust's social security multiper OFFICIAL USE ONLY	Government of the 2005 D-41ES Estimated Payment for Fiduciary Income Tax	Estimated Payment for Fiduciary Income Tax	City Make check or money order payable to DC Treasurer. 2005 D-41ES P1 Voucher number: Dt		Fiduciary's address (number and street) Fill inif this is your first return or if your address changed from your last return #	Fiduciary's name and title	Estate or trust name	loyer ID number Estate or trust's social security number OFFICIAL USE ONLY	Quarterly payment OO 0 5 0 4 1 0 3 1	Sovernment of the Payment for D-41ES Estimated Payment for Fiduciary Income Tax	
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